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**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:10-cv-03280-TCB**

Marchelletta et al v. U.S. Immigration and Customs
Enforcement et al
Assigned to: Judge Timothy C. Batten, Sr
Cause: 05:0552 Freedom of Information Act

Date Filed: 10/12/2010
Date Terminated: 12/22/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

Gerard Marchelletta, Jr.

represented by **James W. Wimberly , Jr.**
Wimberly Lawson Steckel Schneider &
Stine
3400 Peachtree Road, N.E.
Suite 400, Lenox Towers
Atlanta, GA 30326-1107
404-365-0900
Email: jww@wimlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert G. Bernhoft
The Bernhoft Law Firm, S.C.
Suite 600
207 E. Buffalo Street
Milwaukee, WI 53202
414-276-3333
Email: rgbernhof@bernhoflaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Circle Industries, Inc.

represented by **James W. Wimberly , Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

The Circle Group, LLC

represented by **James W. Wimberly , Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. Immigration and Customs
Enforcement**
*an agency of the Department of Homeland
Security*

represented by **Neeli Ben-David**
U.S. Attorney's Office-ATL
600 U.S. Courthouse
75 Spring Street, S.W.
Atlanta, GA 30303
404-581-6303
Email: neeli.ben-david@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Customs and Border Protection
*an agency of the Department of Homeland
Security*

represented by **Neeli Ben-David**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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10/12/2010	<u>1</u>	COMPLAINT filed and summon(s) issued, filed by Gerard Marchelletta, Jr., Circle Industries, Inc., The Circle Group, LLC. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Filing fee \$350 receipt number 29004.) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Summons, # <u>18</u> Civil Cover Sheet)(alc) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 10/13/2010)
10/12/2010	<u>2</u>	APPLICATION for Admission of Robert G. Bernhoft Pro Hac Vice by Gerard Marchelletta, Jr. Filing Fee received \$150.00, Receipt #29004. (alc) (Entered: 10/13/2010)
10/12/2010	<u>3</u>	NOTICE of Related Case by Gerard Marchelletta, Jr. (alc) (Entered: 10/13/2010)
10/12/2010	<u>4</u>	Certificate of Interested Persons by Circle Industries, Inc., Gerard Marchelletta, Jr., The Circle Group, LLC. (alc) (Entered: 10/13/2010)
10/13/2010	<u>5</u>	INSTRUCTIONS to Parties and Counsel. Signed by Judge Timothy C. Batten, Sr. on 10/13/2010. (alc) (Entered: 10/13/2010)
10/15/2010		Clerks Notation re <u>4</u> Certificate of Interested Persons reviewed by TCB. (jgs) (Entered: 10/15/2010)
10/19/2010		APPROVAL by Clerks Office re: <u>2</u> APPLICATION for Admission of Robert G. Bernhoft Pro Hac Vice. Attorney Robert G. Bernhoft added appearing on behalf of Gerard Marchelletta, Jr (cdg) (Entered: 10/19/2010)
10/20/2010		MINUTE ORDER granting <u>2</u> Application for Admission Pro Hac Vice of Robert G. Bernhoft by CRD by direction of the Court. Approved by Judge Timothy C. Batten, Sr on 10/20/10. (jgs) (Entered: 10/20/2010)
11/19/2010	<u>6</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Ben-David, Neeli) (Entered: 11/19/2010)
11/19/2010	<u>7</u>	ORDER GRANTING Defendants <u>6</u> Unopposed Motion for Extension of Time to File Answer. Defendants are granted a 3 week extension of time to file their responsive pleading, through and including 12/10/2010. Signed by Judge Timothy C. Batten, Sr. on 11/19/2010. (alc) (Entered: 11/19/2010)
12/10/2010	<u>8</u>	ANSWER to <u>1</u> COMPLAINT by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. Discovery ends on 5/9/2011.(Ben-David, Neeli) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 12/10/2010)

06/08/2011	<u>9</u>	Unopposed MOTION for Extension of Time to File Their Summary Judgment Motion with Brief In Support by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Ben-David, Neeli) (Entered: 06/08/2011)
06/08/2011	<u>1</u> <u>0</u>	ORDER granting <u>9</u> Motion for Extension of Time to File Summary Judgment Motion. Defendants shall be granted through and including 06/30/2011 to file their pleading. Signed by Judge Timothy C. Batten, Sr. on 06/08/2011. (rvb) (Entered: 06/08/2011)
06/28/2011	<u>1</u> <u>1</u>	Unopposed MOTION for Extension of Time to File Summary Judgment Motion with Brief In Support by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Ben-David, Neeli) (Entered: 06/28/2011)
07/11/2011	<u>1</u> <u>2</u>	ORDER granting <u>11</u> Defendants' Unopposed Second Motion for Extension of Time to file Summary Judgment Motion. Deadline for Defendants to file their responsive pleading is 7/21/11. Signed by Judge Timothy C. Batten, Sr on 7/11/11. (rsh) (Entered: 07/11/2011)
07/21/2011	<u>1</u> <u>3</u>	Unopposed MOTION for Extension of Time to File Summary Judgment Motion with Brief In Support by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Ben-David, Neeli) (Entered: 07/21/2011)
07/22/2011	<u>1</u> <u>4</u>	ORDER granting <u>13</u> Unopposed Motion for an Extension of Time to and including 7/28/11 for dft's to file their pleading. Signed by Judge Timothy C. Batten, Sr on 7/22/11. (jlm) (Entered: 07/22/2011)
07/28/2011	<u>1</u> <u>5</u>	MOTION for Summary Judgment with Brief In Support by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C)(Ben-David, Neeli) --Please refer to http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.-- (Entered: 07/28/2011)
07/28/2011	<u>1</u> <u>6</u>	MOTION for Leave to File Exhibits Under Seal with Brief In Support by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Ben-David, Neeli) (Entered: 07/28/2011)
08/01/2011	<u>1</u> <u>7</u>	ORDER granting <u>16</u> Defendants' Motion for Leave to File Exhibits Under Seal. Defendants permitted to file declarations of Shari Suzuki and Ryan Law with Court under seal. Signed by Judge Timothy C. Batten, Sr on 8/1/11. (rsh) (Entered: 08/01/2011)

08/05/2011	1 8	NOTICE Of Filing Declarations Under Seal by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement (Ben-David, Neeli) (Additional attachment(s) added on 8/8/2011: # 1 Declaration of Shari Suzuki, # 2 Declaration of Ryan Law, # 3 Supplemental Declaration of Ryan Law) (tcc). (Entered: 08/05/2011)
08/10/2011	1 9	CONSENT ORDER extending Plaintiff's response deadline to Defendants' motion for summary judgment to 8/26/11. Signed by Judge Timothy C. Batten, Sr on 8/10/11. (rsh) (Entered: 08/10/2011)
08/24/2011	2 0	CONSENT ORDER extending time to and including 9/9/11 for pla to file a response to dft's 15 MOTION for Summary Judgment. Signed by Judge Timothy C. Batten, Sr on 8/24/11. (jlm) (Entered: 08/24/2011)
09/09/2011	2 1	RESPONSE in Opposition re 15 MOTION for Summary Judgment filed by Circle Industries, Inc., Gerard Marchelletta, Jr, The Circle Group, LLC. (Bernhoft, Robert) Modified on 9/12/2011 to remove interested party as filer (rej). (Entered: 09/09/2011)
09/09/2011	2 2	Response to Statement of Material Facts re 15 MOTION for Summary Judgment filed by Circle Industries, Inc., Gerard Marchelletta, Jr, The Circle Group, LLC. (Bernhoft, Robert) Modified on 9/12/2011 to remove interested party as filer (rej). (Entered: 09/09/2011)
09/09/2011	2 3	Statement of Material Facts re 15 MOTION for Summary Judgment <i>Additional Statement of Facts</i> filed by Circle Industries, Inc., Gerard Marchelletta, Jr, The Circle Group, LLC. (Bernhoft, Robert) Modified on 9/12/2011 to remove interested party as filer (rej). (Entered: 09/09/2011)
09/09/2011	2 4	Declaration of Robert G. Bernhoft and accompanying exhibits re 15 MOTION for Summary Judgment filed by Circle Industries, Inc., Gerard Marchelletta, Jr, The Circle Group, LLC. (Attachments: # 1 Exhibit Ex. A part 1, # 2 Exhibit Ex. A part 2, # 3 Exhibit Ex. A part 3, # 4 Exhibit Ex. A part 4, # 5 Exhibit Ex. A part 5, # 6 Exhibit Ex. A part 6, # 7 Exhibit Ex. B, # 8 Exhibit Ex. C, # 9 Exhibit Ex. D, # 10 Exhibit Ex. E part 1, # 11 Exhibit Ex. E part 2, # 12 Exhibit Ex. F, # 13 Exhibit Ex. G, # 14 Exhibit Ex. H, # 15 Exhibit Ex. I, # 16 Exhibit Ex. J, # 17 Exhibit Ex. K, # 18 Exhibit Ex. L, # 19 Exhibit Ex. M, # 20 Exhibit Ex. N part 1, # 21 Exhibit Ex. N part 2, # 22 Exhibit Ex. O, # 23 Exhibit Ex. P, # 24 Exhibit Ex. Q)(Bernhoft, Robert) Modified on 9/12/2011 to remove interested party as filer and accurately reflect e-filed pleading (rej). (Entered: 09/09/2011)
09/26/2011	2 5	Unopposed MOTION for Extension of Time <i>To File Reply Brief In Support of Summary Judgment Motion</i> with Brief In Support by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Ben-David, Neeli) (Entered: 09/26/2011)

09/27/2011	<u>2</u> <u>6</u>	CONSENT ORDER granting <u>25</u> Motion for Extension of Time through 10/17/11 for Dfts to file their Reply Brief in support of their <u>15</u> MOTION for Summary Judgment. Signed by Judge Timothy C. Batten, Sr on 9/27/11. (rsh) (Entered: 09/27/2011)
10/17/2011	<u>2</u> <u>7</u>	REPLY BRIEF re <u>15</u> MOTION for Summary Judgment filed by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit D)(Ben-David, Neeli) (Entered: 10/17/2011)
10/17/2011	<u>2</u> <u>8</u>	Response to Statement of Material Facts re <u>15</u> MOTION for Summary Judgment filed by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Ben-David, Neeli) (Entered: 10/17/2011)
10/18/2011		Submission of <u>15</u> MOTION for Summary Judgment, submitted to District Judge Timothy C. Batten. (rej) (Entered: 10/18/2011)
11/01/2011	<u>2</u> <u>9</u>	MOTION for Extension of Time to File Surreply by Gerard Marchelletta, Jr. (Attachments: # <u>1</u> Text of Proposed Order)(Bernhoft, Robert) (Entered: 11/01/2011)
11/01/2011	<u>3</u> <u>0</u>	ORDER granting <u>29</u> Motion for Extension of Time through 11/2/11 for Plaintiffs' surreply to <u>15</u> MOTION for Summary Judgment. Signed by Judge Timothy C. Batten, Sr on 11/1/11. (rsh) (Entered: 11/01/2011)
11/03/2011	<u>3</u> <u>1</u>	Plaintiff's Surreply re <u>15</u> MOTION for Summary Judgment filed by Gerard Marchelletta, Jr, The Circle Group, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Bernhoft, Robert) Modified on 11/3/2011 to accurately reflect e-filed pleading (rej). (Entered: 11/03/2011)
11/21/2011	<u>3</u> <u>2</u>	MOTION for Leave to File Surrebuttal Brief with Brief In Support by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Ben-David, Neeli) (Entered: 11/21/2011)
12/22/2011	<u>3</u> <u>3</u>	ORDER denying as moot <u>32</u> Dfts' Motion for Leave to File Surrebuttal; granting <u>15</u> Dfts' Motion for Summary Judgment. Signed by Judge Timothy C. Batten, Sr on 12/21/11. (rsh) (Entered: 12/22/2011)
12/22/2011	<u>3</u> <u>4</u>	CLERK'S JUDGMENT in favor of Defendants; against Plaintiffs (rsh)--Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist-- (Entered: 12/22/2011)
12/22/2011		Civil Case Terminated. (rsh) (Entered: 12/22/2011)

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